

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and the following remarks are presented for the Examiner's consideration.

Claim 4 has been amended to include limitations from claim 8. Since no new limitations have been added by this amendment, no new issues are raised and Applicants respectfully request entry of the amendment.

Claims 4, 5, 8, 2, 3/2 and 3/8 were rejected under 35 U.S.C. 103(a) over U.S. Patent No. 5,172,220 in view of U.S. Patent No. 6,611,289 to Yu et al. Claim 4 has been amended to better distinguish from the prior art. For the following reasons, the rejection is respectfully traversed as it applies to claim 8 and its dependent claims.

Regarding claim 8 and amended claim 4, neither Beis nor Yu teaches or suggests an "optical filter switching mechanism for selectively positioning one of the first optical filter and the second optical filter in front of the image pick-up element based on a level of the image signal," as required. Beis teaches selectively directing an image (2) to one of two separate image sensors (4, 11). By contrast, claims 4 and 8 require that two optical filters are selectively positioned in front of the *same* image pick-up element. Yu teaches different image sensors (302, 304, 306, 308) being provided with different filters or colored lenses (310, 312, 314, 316). Neither Beis nor Yu teaches selectively positioning two different filters in front of a *single* image sensor, as in claims 4 and 8. If the teachings of Beis and Yu were combined, the resulting teaching would involve selectively directing an image (2) to one of two separate image sensors (4, 11), each of which would be provided with a different filter or colored lens. There is no suggestion in the cited art for selectively moving one of two filters in front of an image sensor, as in claims 4 and 8. Thus, every limitation of claim 8 is not taught or suggested by Beis, Yu or any combination thereof. Therefore, claims 4 and 8 and their respective dependent claims 2, 3/2, 3/8 and 5 are patentable over the prior art of record.

Claims 6 and 7 were rejected under 35 U.S.C. 103(a) over Beis in view of Yu, and in further view of U.S. Patent No. 5,903,700 to Fukushima. As mentioned above, claim 5 has been amended to depend from claim 8. Therefore, claims 6 and 7 now indirectly depend from claim 8. For the following reasons, the rejection has been rendered moot by the amendment.

For the reasons explained above, claim 8, from which claims 6 and 7 depend, is not taught or suggested by Beis, Yu or any combination thereof. Further, Fukushima does not teach the limitation of which the other references are deficient. In particular, Fukushima teaches nothing about filters or image pick-up devices, and thus, Fukushima clearly does not teach or suggest selectively positioning one of two filters in front of an image pick-up device. Since every limitation of claim 8 is not taught or suggest by Beis, Yu, Fukushima, or any combination thereof, dependent claim 6 and 7 are patentable for the same reasons as claim 8.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33555.

Respectfully submitted,
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